IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

OP.No. 3197 of 1999(E)

PETITIONER:

K.KUNHIKANNAN NAIR, S/O KUNHAPPA NAIR,
RESIDING AT “REVATHY”
THAYYANNUR, P.O., PARAVANADUKKAM,
(VIA) KALNAD, KASARGOD

BY ADV. SRI.K.G.GOURI SANKAR RAI

RESPONDENTS:
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1. THE KASARAGOD DISTRICT CO-OPERATIVE BANK LTD.,
REP. BY ITS GENERAL MANAGER, KASARGOD P.O.,

2. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
P.O. THIRUVANANTHAPURAM

3. THE SECRETARY, CO-OPERATIVE DEPARTMENT,
GOVERNMENT OF KERALA, TVM

BY GOVERNMENT PLEADER T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.3197/1999

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TYPED TRUE COPY OF the NOTICE SENT TO THE 1ST RESPONDENT BY THE PETITIONER THROUGH HIS COUNSEL

EXT.P2- TYPED TRUE COPY OF THE REPLY NOTICE.

EXT.P3- TYPED TRUE COPY OF THE NOTICE SENT TO THE RESPONDENTS 2 AND 3 BY THE PETITIONER THROUGH HIS ADVOCATE.

(TRUE COPY)

P.A TO JUDGE

THOTTATHIL B. RADHAKRISHNAN, J

O.P.No. 3197/1999

Dated this 24th day of September, 2007

JUDGMENT

The petitioner retired from service of the first respondent, Bank, on 31.5.1997. The Bank took a stand that because of an order dated 10.6.1997 issued by the Registrar of Co-operative Societies, the payment under the Welfare Fund scheme is kept in abeyance. The issue in hand was extensively dealt with by my learned brother Mr.Justice J.B.Koshy in O.P.14781/1997 and connected matters and decided the matter as per the judgment dated 3.8.2000. The findings and orders in paragraph 7 of that judgment specifically govern the case of the petitioner who retired prior to 10.6.1997.

2. In the result, this writ petition is disposed of directing that if the amount due under the fund has not been paid to the petitioner, the same shall be disbursed forthwith. All amounts due to the petitioner that are yet to be released or already released from the fund shall carry the interest at the rate of 12% per annum from the date of the retirement of the petitioner, ie, 1.6.1997 till the date of payment. Such amounts shall also be released forthwith.

No costs.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE

mrcs